

AMENDED IN SENATE JANUARY 22, 2014

AMENDED IN SENATE JANUARY 6, 2014

SENATE BILL

No. 415

Introduced by Senator Knight

(Coauthor: Senator Fuller)

(Coauthors: Assembly Members Fox and Beth Gaines)

February 20, 2013

An act to amend Section 2210 of, and to add Section 2213 to, 2211 of the Civil Code, relating to civil liability.

LEGISLATIVE COUNSEL'S DIGEST

SB 415, as amended, Knight. Space flight liability.

The Space Flight Liability and Immunity Act requires a space flight entity, as defined, to collect a signed warning statement from each participant in space flight activities. The warning statement is required to inform the participant that there is limited civil liability for bodily injury sustained as a result of the inherent risks associated with space flight activities. The act limits the liability of a space flight entity that complies with these provisions.

~~This bill would require a space flight entity to enter into a reciprocal waiver of claims with its contractors, subcontractors, customers, participants, and contractors and subcontractors of the customers or participants, as specified.~~ *include in the warning statement provisions a prohibition against construing those provisions to be contrary to the public policy of this state.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2211 of the Civil Code is amended to*
2 *read:*

3 2211. (a) A space flight entity providing space flight activities
4 to a participant shall have each participant sign a warning statement
5 that shall contain, at a minimum, and in addition to any language
6 required by federal law, the following notice:

7
8 “WARNING AND ACKNOWLEDGMENT: I understand and
9 acknowledge that, under California law, there is limited civil
10 liability for bodily injury, including death, emotional injury, or
11 property damage, sustained by a participant as a result of the
12 inherent risks associated with space flight activities provided by
13 a space flight entity. I have given my informed consent to
14 participate in space flight activities after receiving a description
15 of the inherent risks associated with space flight activities, as
16 required by federal law pursuant to Section 50905 of Title 51 of
17 the United States Code and Section 460.45 of Title 14 of the Code
18 of Federal Regulations. The consent that I have given
19 acknowledges that the inherent risks associated with space flight
20 activities include, but are not limited to, risk of bodily injury,
21 including death, emotional injury, and property damage. I
22 understand and acknowledge that I am participating in space flight
23 activities at my own risk. I have been given the opportunity to
24 consult with an attorney before signing this statement.”

25
26 (b) Failure to comply with the requirements provided in this
27 section shall prevent a space flight entity from invoking the
28 privileges of immunity provided by Section 2212.

29 (c) *Nothing in this section shall be construed to be contrary to*
30 *the public policy of this state.*

31 ~~SECTION 1. Section 2210 of the Civil Code is amended to~~
32 ~~read:~~

33 ~~2210. For purposes of this article:~~

34 ~~(a) “Participant” means a space flight participant as defined in~~
35 ~~Section 50902 of Title 51 of the United States Code.~~

36 ~~(b) “Participant injury” means a bodily injury, including death,~~
37 ~~emotional injury, or property damage, sustained by the participant.~~

1 (e) “Reciprocal waiver of claims” means an agreement between
2 parties under which each party waives and releases claims against
3 all the other parties to the waiver and agrees to assume financial
4 responsibility for those claims.

5 (d) “Space flight activities” means launch services or reentry
6 services as defined in Section 50902 of Title 51 of the United
7 States Code.

8 (e) “Space flight entity” means any public or private entity that
9 holds, either directly or through a corporate subsidiary or parent,
10 a license, permit, or other authorization issued by the United States
11 Federal Aviation Administration pursuant to Chapter 509
12 (commencing with Section 50901) of Subtitle V of Title 51 of the
13 United States Code, including, but not limited to, a safety approval
14 and a payload determination.

15 SEC. 2. Section 2213 is added to the Civil Code, to read:

16 2213. (a) A space flight entity shall enter into a reciprocal
17 waiver of claims with its contractors, subcontractors, customers,
18 participants, and contractors and subcontractors of the customers
19 or participants, involved in space flight activities.

20 (b) Under a reciprocal waiver of claims, each party to the waiver
21 shall agree to be responsible for property damage or loss it sustains,
22 or for personal injury to, death of, or property damage or loss
23 sustained by its employees resulting from space flight activities.

24 (c) Nothing in this section shall prevent or limit the liability of
25 a space flight entity for actions described in subdivision (c) of
26 Section 2212.